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Jacob Staley

University of Chicago: A Free Speech Experiment

In the summer of 2016, incoming freshmen at the University of Chicago received letters that would spark a national debate. A debate that would thrust the staff, history, and policies of the university to center stage. Instead of the typical welcome letter filled with pleasantries, campus maps, and lists of student organizations, recipients found a provocative argument. Upon welcoming the incoming class, John (Jay) Ellison, Dean of Students at the University, warned students of the intellectual challenges students should be prepared to face during their tenure. He denounced ideas of “safe spaces,” “trigger warnings,” and the practice of censoring speakers with controversial views.¹ He stated that students should be prepared to be “engaged in rigorous debate ... and even disagreement,” a situation that “may ... even cause discomfort.”² These statements began a national conversation, with political pundits and journalists arguing them from every angle. Despite this, an important question arose: what should free speech look like in education, specifically at a university? The University of Chicago represents the most successful example of free speech policy on college campuses today. Despite challenges to its practices from all levels of society, it has remained committed to defending free speech—and its benefits to education—on its campus.

Throughout history, debates surrounding freedom of speech on campus commonly revolve around one of three essential questions: first, how do the role and situation of a university affect its responsibility toward speech and expression? Secondly, what kind of responsibility do universities have in providing a diverse curriculum? In other words, is there ever an instance in which a university is justified in censoring a certain person's or group's ideas and beliefs? Lastly, do topics or situations exist that are so controversial that unchecked expression could instigate harm, thereby forcing universities to intervene?

Many legal and educational minds have provided different definitions for the role of universities throughout history. However, a common belief revolves around the practice of deep, philosophical inquiry. In 1915, the

1 John (Jay) Ellison, *Dear Class of 2020 student...*, (2016), UChicago News, https://news.uchicago.edu/sites/default/files/attachments/Dear_Class_of_2020_Students.pdf (accessed on Oct. 15, 2018).

2 Ibid.

American Association of University Professors (AAUP) stated three essential purposes for which a university exists. These were: "A. To promote inquiry and advance the sum of human knowledge. B. To provide general instruction to the students. C. To develop experts for various branches of public service."³ The practice of inquiry, it believed, would allow for "the opportunity for the gradual wresting from nature of her intimate secrets," which would prove pivotal in the advancement of humankind.⁴ The AAUP was not alone in this idea. Robert Maynard Hutchins, John Dewey, and many others championed the deep responsibility universities have in advancing the social order. Even modern-day thinkers, such as writer and UC Berkeley graduate David Horowitz, ascribe to this view of education. In a piece entitled the *Academic Bill of Rights*, Horowitz describes the product of universities' promotion of free inquiry as "help [-ing students] become creative individuals and productive citizens."⁵

With the universities' larger role in mind, a foundation exists for the second debate. This debate rests on the institutional distinction of academic freedom. "Institutional Academic Freedom" simply refers to the power universities have to decide what material is included in curriculum and campus activities, a power reaffirmed by the Supreme Court in 2000.⁶ However, to remain consistent with the concept of sustained, meaningful inquiry, these institutions face challenges when deciding which perspectives to include. In 1906, speaking on the condition of German universities, German philosopher Friedrich Paulsen stressed the importance of universities facilitating clear paths to the discovery of truth. "The people and the state ... can have no desire to place obstacles in the way of an honest search for truth in the field of politics and social science, either by forbidding or favoring certain views."⁷ This view would seem to apply to the diversification of curriculum,

3 Edwin R. A. Seligman et al., "General Report of the Committee on Academic Freedom and Academic Tenure: Presented at the Annual Meeting of the Association: December 31, 1915," *Bulletin of the American Association of University Professors* 1, no. 1 (December 1915): 29, https://www.jstor.org/stable/40216731?seq=14#metadata_info_tab_contents (accessed May 15, 2019).

4 Ibid.

5 David Horowitz, *Academic Bill of Rights*, (2004), <http://la.utexas.edu/users/hcleaver/330T/350kPEEHorowitzAcadBillTable.pdf> (accessed May 1, 2019).

6 David Souter quoted in Clay Calvert, "Professional Standards and the First Amendment in Higher Education: When Institutional Academic Freedom Collides with Student Speech Rights," *St. John's Law Review* 91, no. 3 (2017): 622-623, <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=6801&context=lawreview> (accessed May 21, 2019).

7 Friedrich Paulsen, *The German Universities and University Study* (New York: C. Scribner's Sons, 1906), 244. <https://babel.hathitrust.org/cgi/pt?id=hvd.32044012766218;view=1up;seq=9> (accessed May 22, 2019).

allowing for an honest and unabated “search for truth.” In the United States’ history, this idea has undergone a rather rigorous journey.

There are those, however, who believe that logistics and the existence of institutional academic freedom provide ample justifications for university intervention. Consider the longstanding practice of inviting guest speakers and lecturers to speak on current events or specific issues. These panels, discussions, and accounts are a way for universities to provide students with information and ideas they may not be able to access through standard classroom study. Aaron Hanlon, Professor of English at Colby College, writes: “We should think about campus speakers less in terms of the so-called marketplace [of ideas] and more in the terms that guide other kinds of educational programming on campus. Inviting quality speakers to share expertise and experience is an important part of the educational mission.”⁸ He continues: “One of professors’ core responsibilities, in every discipline, is to develop a syllabus. With roughly fourteen weeks per semester, composed of two seventy-five minute meetings per course per week, every syllabus I put in front of my students is a product of immediate practical limitations.”⁹ Therefore, in addition to judging educational value, the decision to leave out certain points of view “aren’t about ‘shutting down’ points of view; they’re about finding the most valuable ways to use our limited time and resources.”¹⁰

The final question regarding free speech and college campuses centers around members’ use of “individual academic freedom.” This term “denote[s] ... the freedom of the individual teacher (or in some versions-indeed in most cases-the student) to pursue his ends without interference from the academy.”¹¹ The problem arises when an individual uses speech in a way that incites unrest. Often synonymized with “hate speech,” or “fighting words,” this type of speech regularly accompanies controversial issues. With the existence of individual academic freedom and the dynamic makeup of university campuses, it is inevitable that speech and expression will stray into controversy, to the point where some individuals may feel threatened. What then is the university’s role? Richard Epstein, professor of law at New York University of Law, states: “[w]henver speech inspires violence, it should be

8 Aaron R. Hanlon, “Why Colleges Have a Right to Reject Hateful Speakers like Ann Coulter: Disinviting Right-wing Provocateurs Isn’t Suppression of Free Speech. It’s a Value Judgement in Keeping with Higher Education’s Mission,” *The New Republic*, April 24, 2017, <https://newrepublic.com/article/142218/colleges-right-reject-hateful-speakers-like-ann-coulter> (accessed May 19, 2019).

9 Hanlon, “Hateful Speakers,” (2017).

10 Ibid.

11 Richard Posner, quoted in David M. Rabban, “A Functional Analysis of “Individual” and “Institutional” Academic Freedom Under the First Amendment,” *Law and Contemporary Problems* 53, no. 3 (1990): 282, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4057&context=lcp> (accessed May 20, 2019).

shut down.”¹² However, this does little to clear an already cloudy situation, as differing interpretations exist for what “inspires” violence. Definitions of other key terms, such as “hate speech,” are similarly unclear.

Nevertheless, many universities have already enacted measures to help prevent these incidents. In his book *You Can't Say That!* George Mason Law Professor David Bernstein examines the growing practice of “speech codes.” These codes set guidelines for what speech the university considers appropriate, as well as speech labeled as “offensive” and banned.¹³ However, a problem lies in the terminology of many such guidelines: “Some codes are so broad that, when taken literally, they are absurd.”¹⁴ He references one such code at the University of Maryland, which in an effort to curb sexual harassment, bans “comments about a person’s clothing.”¹⁵ “So,” he argues, “at the University of Maryland, saying ‘I like your shirt, Brenda’ is a punishable instance of sexual harassment.”¹⁶ Consequently, the codes create a context where both sides, university and student, are unsure of their abilities and limitations. Other writers have brought up the concept of the “Heckler’s veto.”¹⁷ This provides a potential for individuals to bully universities into censoring controversial speakers by using threats of violence. In this system, “restriction is seen not as a punishment for those making threats of violence ... but instead, as a restriction on the speaker being threatened.”¹⁸

In light of these debates, the University of Chicago provides a blueprint for the role of speech and expression on campus. Since its inception, the University of Chicago stood out from others in terms of its academic ideas. Chicago’s leaders believed that the University, in its ideal incarnation, provided a place where students would face rigorous intellectual challenges. University leaders envisioned a campus where competing ideas flowed in from every direction. As a result, they prioritized a policy of free speech and

- 12 Richard Epstein, *Mob Censorship on Campus*, (Hoover Institution: March 13, 2017), quoted in R. George Wright, “The Heckler’s Veto Today,” *Case Western Reserve Law Review*, 68, no. 1 (2017): 178-184, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4738&context=caselrev> (accessed May 28, 2019).
- 13 David E. Bernstein, *You Can't Say That!* (Washington D.C.: CATO Institute, 2003), 59-72.
- 14 Ibid, 61.
- 15 Ibid, 61-63.
- 16 Ibid, 61-63.
- 17 R. George Wright, “The Heckler’s Veto Today,” *Case Western Reserve Law Review* 68, no. 1 (2017): 178-184, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4738&context=caselrev> (accessed May 28, 2019).
- 18 LaQuasha Combs, “The Importance of Free Speech on Public Campuses and the Restriction of Free Speech on University Campuses Due to Safety Concerns,” *Journal of Law and Education*, (2018), 173, <https://eds-a-ebscohost-com.proxy.lib.siu.edu/eds/pdfviewer/pdfviewer?vid=5&sid=42622f9f-96f8-41e9-955f-1821aae1729c%40sdc-v-sessmgr02> (accessed on Oct. 15, 2018).

expression at all costs. William Rainey Harper, the founding president of the university, espoused this view. In a 1902 address, barely ten years following the University's inception, he stated: "the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago."¹⁹ The constant pressure guaranteed by competing ideas would force students to grow intellectually, think critically, and establish beliefs rooted in reason.

As time passed, successive presidents continued this practice, perhaps none as strongly as Robert Maynard Hutchins. Hutchins assumed the presidency of the University of Chicago in 1929.²⁰ Upon his taking office, Hutchins already possessed a reputation as one of the most radical minds in American education. A former dean of both Oberlin College and Yale University, Hutchins consistently indicted the system of higher education in the United States. The university, he believed, should not exist for mere vocational training as some were promoting, but instead should be a place of intellectual struggle. "The common aim of all parts of a university may and should be the pursuit of truth for its own sake."²¹ Like others before him, Hutchins saw freedom of speech and expression as the chief way to ensure students would be intellectually engaged. Provocation, and the continual exchange of competing ideas would define the University of Chicago and set it apart. However, this devotion was not shared by all. Throughout its history, Chicago faced challenges to their policies at all levels. Yet, the University's response to these challenges showed just how committed they were in creating the environment of intellectual exchange they desired.

For example, in the early twentieth century, the nation found itself entrenched in a period of suspicion against "foreign" ideologies. Socialism, Communism, and the concept of labor unions were inflammatory issues in the public's mind. However, the university, staying true to its practice of intellectual discourse, did not hesitate to allow these ideas onto campus. In the year 1919, the university even possessed a socialist student organization on its campus. The *Chicago Tribune* covered news of this group and disseminated it throughout the area.²² As one might expect, the fact that such 'dastardly' ideas resided on an American campus created quite a firestorm. Members

19 Geoffrey R. Stone et. al., *Statement on Principles of Free Expression*, (2012), Chicago, University of Chicago, <https://freeexpression.uchicago.edu/page/statement-principles-free-expression> (accessed on Oct. 4, 2018).

20 Robert Maynard Hutchins, (Chicago: Office of the President), <https://president.uchicago.edu/directory/robert-maynard-hutchins> (accessed on Sept. 30, 2018).

21 Robert Maynard Hutchins, *Higher Learning in America*, (Yale: Yale University Press, 1936), 95.

22 H. Rowland Curtis, *Letter to H.P. Judson*, written on May 16, 1919 (Chicago, Illinois, University of Chicago Special Collections), <https://www.lib.uchicago.edu/ead/pdf/ofcprshjb-0044-018.pdf> (accessed on Oct. 8, 2018).

of the community did not shy away from expressing their anger toward the university. H. Rowland Curtis, a local businessman, wrote a scathing letter to the university president, Harry Pratt Judson. "The enclosed notice seems to justify the growing opinion of the Chicago people that the university is a hotbed of socialism and every other 'ism' except Americanism."²³ He went on to attack the university's student makeup, stating, "[h]ad it not been for the accumulation of wealth, your scatter-brained, misfit students would not have the privilege of a college education for thirty cents on the dollar."²⁴ However, the president of the university was quick to come to the defense of the organization. The next day, he composed a response to Mr. Curtis, citing the school's commitment to free speech as the motivation for allowing such a group. "It is far better in our opinion," he wrote, "to have such views ventilated freely than to try and prevent free speech."²⁵ Additionally, he lamented that the *Tribune* article fell victim to its "usual inaccuracies."²⁶

Along similar lines, Chicago's free speech policies intersected with the movement for organized labor. Leon C. Marshall, a faculty member and well-known economist, invited the Ex-Secretary of Labor, William Wilson, to come and give a series of lectures on the labor movement in the fall of 1921.²⁷ Wilson was considered radical by many business owners and even by fellow union supporters. As a result, his invitation again caused a stir among those acquainted with the university. Thomas Donnelley, president of a large printing business in Chicago, wrote to President Judson fearing the consequences that a Union radical could bring to the student body. He referenced a message he had received from a Union lawyer, warning him of the dangerous tendencies of the speaker.²⁸ In Judson's reply, he acknowledged Donnelley's fears, and, to an extent, sympathized with them. However, he still refused to relinquish his practice of allowing free speech to stir educational thought: "Marshall thinks he [Wilson] will be especially careful not to be extreme, and he [Marshall] has in mind arranging another series of lectures if Mr. Wilson comes. His idea is that students in economics ought to hear the subject discussed authoritatively from both sides."²⁹ Judson solidified that

23 Ibid.

24 Ibid.

25 Harry Pratt Judson, *Letter to H. Rowland Curtis*, written on May 17, 1919, (UCSC), <https://www.lib.uchicago.edu/ead/pdf/ofcpreshjb-0044-018.pdf> (accessed on Oct. 8, 2018).

26 Ibid.

27 Thomas E. Donnelley, *Letter to H.P. Judson*, written on June 30, 1921, (UCSC), <https://www.lib.uchicago.edu/ead/pdf/ofcpreshjb-0044-018.pdf> (accessed on Oct 8. 2018).

28 Ibid.

29 Harry Pratt Judson, *Letter to Thomas E. Donnelley*, written on July 1, 1921, (UCSC), <https://www.lib.uchicago.edu/ead/pdf/ofcpreshjb-0044-018.pdf> (accessed on Oct. 9, 2018).

Chicago's brand of free speech not only extended to student expression, but to the sovereignty of teachers to provide opposing viewpoints as well.

Perhaps the biggest challenge the University of Chicago's policies faced from an outside source came in the 1930s-40s, during the height of anti-communist movements in the United States. In 1935, following a tip from a local businessman, the University was accused by the Illinois state legislature of indoctrinating their students with communist ideas.³⁰ Senator Charles A. Baker, the man who presented legislation legitimizing an investigation, warned that such teachings would create a "generation" with disrespectful and disruptive ideas.³¹ However, despite a thorough investigation—one which even required faculty to take loyalty oaths—the committee acquitted the university.³²

A mere fourteen years later, the university appeared before the committee again on the exact same charges. This time, the Illinois Senate focused its attention on two different schools: The University of Chicago, and Roosevelt College. The Senate's suspicion was based on two pieces of evidence. In a similar fashion as prior instances, Chicago's campus was home to a communist student club, albeit that it housed a mere eleven students.³³ This, combined with the fact that the University "refuse[d] to rid themselves of Communist front professors ... and activities, fueled the legislators to a deeper investigation.³⁴ School professors and other high level faculty, including President Hutchins and Laird Bell, Chairman of Chicago's Board of Trustees, were called to testify before the committee.³⁵ It was in this investigation that Chicago's leaders gave perhaps their best defense of the school's policy.

Upon first news of the investigation, Bell penned a stinging response to the allegations in a twelve-page statement titled "Are We Afraid of Freedom?" Possessing the backing of the university's Board of Trustees, Bell launched

30 Stanley Armstrong, "Senate Acts to End Radicalism in Universities," *Chicago Tribune*, April 18, 1935, <https://search-proquest-com.proxy.lib.siu.edu/docview/181683209/200F471BD27F4FCFPQ/1?accountid=13864> (accessed on Oct. 7, 2018).

31 Ibid.

32 Ibid; Laird Bell, "Are We Afraid of Freedom?," *Bulletin of the American Association of University Professors*, 1949, 302, https://www-jstor-org.proxy.lib.siu.edu/stable/40220354?origin=crossref&seq=1#metadata_info_tab_contents (accessed on Oct. 15, 2018).

33 George Eckel, "Illinois Inquiry Hears Dr. Hutchins Deny Subversion at U. of Chicago," *New York Times*, 1949, <https://search-proquest-com.proxy.lib.siu.edu/docview/105640659?accountid=13864> (accessed on Oct. 6, 2018).

34 Johnson Kanady, "Red Schools Face Loss of Tax Freedom," *Chicago Daily Tribune*, 1949, <https://search-proquest-com.proxy.lib.siu.edu/docview/177745534?accountid=13864> (accessed on Oct. 8, 2018).

35 Johnson Kanady, "Vote to Reopen Red Probe at U. of Chicago," *Chicago Daily Tribune*, 1949, <https://search-proquest-com.proxy.lib.siu.edu/docview/177650369?accountid=13864> (accessed on Oct. 6, 2018).

into a defense of the university's policies. He, like others before him, appealed to the connections of free speech and academic freedom with intellectual growth. He went so far as to include quotes from past U.S. presidents, such as Thomas Jefferson and Woodrow Wilson, as well as other intellectual minds to bolster his argument. In the document's concluding paragraphs, Bell made his final case:

To be great, a university must adhere to principle. It cannot shift with the winds of passing public opinion ... It must rely ... upon those who understand that academic freedom is important not because of its benefits to professors but because of its benefits to all of us. Today our tradition of freedom is under attack. There are those who are afraid of freedom. We do not share these fears.³⁶

Appearing before the Senate Committee, Hutchins crafted a similar defense. "The danger to our institutions," he asserted, "is not from the tiny minority who do not believe in them. It is from those who would mistakenly repress the free spirit upon which those institutions are built."³⁷ Even in the face of government pressures, whose recommended disciplinary action included the expelling of faculty members and students who would not affirm loyalty oaths, Hutchins and Bell refused to budge.³⁸ Academic freedom for both faculty and students was imperative for the university to be able to continue its pursuit of truth.

As the twentieth century progressed, the nation began to confront past sins and wrestle with new challenges. The Vietnam War, as well as the Civil Rights Movement, energized and often divided the population. In May of 1966 and 1968, the University of Chicago saw both events spill over onto their campus. As with previous examples, the university's response would prove vital in shaping the future of free expression on the campus.

In 1966, the conflict in Vietnam was in full swing. Thousands of young men found themselves outfitted with materials and shipped off across the ocean. In fact, as the conflict intensified, the U.S. military was hard pressed to fulfill recruitment quotas set out by the government. As a result, the Selective Service System (SSS) turned its attention to universities. Previously viewed as an escape from service, eligible college males soon saw their safeguard disappear. In 1965, the SSS introduced the Selective Service Qualification Test, essentially an aptitude test, administered to male students across the

36 Laird Bell, "Are We Afraid of Freedom?", (1949).

37 Eckel, "Illinois Inquiry," (1949).

38 Kanady, "Red Schools," (1949).

country.³⁹ The results of test scores, combined with a student's outright standing within their grade, were then provided to draft organizations. The highest performing students were immediately exempt from consideration. Conversely, as a student's score dropped further down the leaderboard, the chance of their selection rose dramatically.⁴⁰

In part due to the growing anti-war sentiment on college campuses at the time, many students from across the country were appalled to learn that their grades were used as determinants of draft status. Beyond this, the mere fact that their academic information changed hands without their consent infuriated many. In the week of May 5, 1966, the University of Chicago administration issued a statement informing students that local draft boards could obtain information regarding class rank.⁴¹ This sparked a wide scale protest, drawing both male and female dissenters. On the night of May 12, over 350 students staged a sit-in at the school's six- floor administrative building.⁴² The students remained inside the building, singing, studying, and listening to speakers within the group. The next morning, they stationed themselves in a blockade of the doors to prevent any administrative officials from entering. However, they permitted teachers to enter and engage in discussions about the policy.⁴³ Overall, the demonstration lasted five days before the students voted to disband.⁴⁴

The university's administration and faculty had a bit of a mixed response to the event. The chief point of contention seemed to be the methods used by the protestors: namely, the blockade of administrative officials. The president at the time, George W. Beadle, condemned the methods used by the protestors. He viewed the apparent blockade as "coercive," and decried it as "unacceptable in a university devoted to inquiry and discussion."⁴⁵ However, at the same time, he reaffirmed the right of students to express dissenting

39 Laura E. Hatt, "LBJ Wants Your GPA: The Vietnam Exam," *The Harvard Crimson*, May 23, 2016. <https://www.thecrimson.com/article/2016/5/23/lbj-wants-your-gpa/> (accessed on Dec. 13, 2018).

40 Ibid.

41 "U. of C. Protests Aid To Draft Lists," *Chicago Tribune*, May 12, 1966, <https://search.proquest.com/docview/178995675/1AEE5512F48448A5PQ/1?accountid=13864> (accessed on Dec. 13, 2018).

42 Ibid.; Austin C. Wehrwein, "Chicago U. Students Seize Building in Draft Protest," *New York Times*, May 13, 1966, 2,

<https://search-proquest-com.proxy.lib.siu.edu/docview/117038945/679C7D0E65574B06PQ/1?accountid=13864> (accessed on Oct. 11, 2018).

43 Wehrwein, "Students Seize Building," (1966).

44 Austin C. Wehrwein, "Chicago U. Students End 5-Day Sit-In...," *New York Times*, May 17, 1966, <https://search.proquest.com/docview/117491696/1AEE5512F48448A5PQ/9?accountid=13864> (accessed on Dec. 13, 2018).

45 Wehrwein, "Students Seize Building," (1966).

ideas.⁴⁶ Many faculty members, such as Professor McKim Marlott, tried to promote alternative measures to the students. He encouraged the students to take their concerns to the university council members who he believed could make real changes.⁴⁷

Just two years later, a nearly identical event occurred involving a group of African American students on Chicago's campus. More than sixty black students took control of the same building on May 15. They locked all doors into the building, shut down all incoming and outgoing calls, and issued a list of demands to the administration.⁴⁸ They sought the admission of more black students, separate dormitories for black students, a black student committee to serve alongside the administration, and aid programs for incoming black students.⁴⁹ Charles Daly, Director of Development and Public Affairs at the school, gave them an ultimatum that afternoon threatening to suspend or expel the students the longer they kept up their blockade. However, the school's administration did offer to meet with many of the students to discuss their concerns the next night.⁵⁰ As a result, the students relented and dispersed.

Fast forward to the twenty-first century, and Chicago has once again begun to face challenges to free discourse. A new form of dispute often termed a "mob protest," has sprung up across the country's campuses. It commonly consists of shouting, bullying, making threats of violence, and the defacing of property. In the past, these demonstrations arose as responses to inflammatory language. However, nowadays they are often employed to censor individuals from speaking in the first place. Like the aforementioned example of labor advocate William Wilson, the University of Chicago's commitment to the discussion of controversial issues has often provoked this mode of resistance.

In 2016, the Institute of Politics (IOP) at Chicago invited Anita Alvarez, the Cook County State's Attorney, to speak and answer questions at an event. Alvarez was embroiled in controversy at the time, as she had previously hindered the release of footage of a policeman shooting an African-American teen sixteen times.⁵¹ As one student put it, "[the event was] a unique

46 Ibid.

47 Ibid.

48 "Chicago Students Seize A Building," *New York Times*, May 16, 1968, <https://search.proquest.com/docview/118443065/2AE13E93BA844EDFPQ/2?accountid=13864> (accessed on Dec. 13, 2018).

49 Ibid.

50 "Chicago Students Seize A Building," *New York Times*, May 16, 1968, <https://search.proquest.com/docview/118443065/2AE13E93BA844EDFPQ/2?accountid=13864> (accessed on Dec. 13, 2018).

51 Tamar Lewin, "State's Attorney Seeks Recusal in Chicago Officer's Trial," *New York Times*, May 06, 2016, <https://www.nytimes.com/2016/05/06/us/states-attorney-anita-alvarez-seeks-recusal-in-chicago-officers-trial.html> (accessed on October 29, 2018).

opportunity to challenge her on the disaster of her tenure.”⁵² Instead, the conversation was never allowed to blossom. Moments after the event began, protestors from student organizations within Chicago joined with others from outside the school to shout down any attempt Alvarez made at the address. This forced her to leave less than twenty minutes into the event.⁵³

A similar event took place just a week later. The university invited Bassem Eid, a Palestinian native, to speak at a campus event. Eid had previously raised objections towards the Boycott, Divestment, and Sanctions Movement (BDS), a movement that has been a vocal critic of Israel’s actions in the Gaza Strip.⁵⁴ The event was structured in a similar way to Alvarez’s presentation, allowing a question and answer session with Eid following his address. However, not long into questioning, the event ended prematurely. A group of audience members began shouting at Eid, including one member threatening physical harm.⁵⁵ Security escorted Eid out of the event.

Following both occurrences, Chicago leaders expressed regret at what had transpired. David Axelrod, Director of Chicago’s IOP, stated that the university understands community members and students have passionate views and opinions, yet he was disappointed that “a discussion was unable to take place.”⁵⁶ However, despite the apparent failures of these meetings, the university refused to back down. In fact, before the next year’s incoming class set foot on campus, they received the letters with which this paper began.

In the end, the central argument of the University of Chicago is this:

... education should not be intended to make people comfortable; it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.⁵⁷

The second half of that statement is vital. The author, former University of Chicago President Hanna Holborn Gray (1978-93), carefully penned

52 As quoted in Rob Montz, *Silence U Pt.3: Can the University of Chicago Solve the Campus Free Speech Crisis?*, (We The Internet, 2018) 06:00-06:30.

53 Ibid.

54 Emily Kramer, “Police Intervene as I-House Event Turns Heated,” *Chicago Maroon*, Feb 23, 2016. www.chicagomaroon.com/article/2016/2/23/police-intervene-as-i-house-event-turns-heated/ (accessed on Oct. 29, 2018).

55 Rob Montz, *Silence U Pt. 3: Can the University of Chicago Solve the Campus Free Speech Crisis?* (We The Internet, 2018).

56 Kramer, “Police Intervene,” (2016).

57 Hanna Holborn Gray, *Searching For Utopia: Universities and Their Histories*, (Oakland: University of California Press, 2011), 52.

her defense. Not only should the university be expected to deal with the uncomfortable, it should invite it. Or, in her words, the university “should be expected to provide the[se] conditions...”⁵⁸ University professors and faculty, when creating yearly curriculum, should refuse to shy away from controversial beliefs and stances. Instead, they should seek to provide students with the loudest voices, strongest allies, and most diligent supporters of these opinions. It is only in this setting that President Hutchins’ search for truth can be fulfilled. It is only in this arena that students will be able to hold fast to and defend what they know to be right. Likewise, lending opportunity to bad ideology does not equal promotion of it. Rather, the airing out of these opinions allows students to see them for what they truly are, as well as providing them with opportunities to soundly and intellectually refute them. This type of intellectual confrontation provides a greater benefit to students than censorship ever could. So, what about the controversy of this practice? What about the potential disagreements and potential ridicule of the university and its staff that may arise? As with most of the free speech question, Hutchins had a response for this too: “The University is good in terms of the amount of controversy that goes on in it. If everyone thinks it’s great, chances are it’s going to hell.”⁵⁹

Primary Sources

Ahn, Jaehoon. “Speaker Driven from IOP by Black Lives Matter Protesters.” *The Chicago Maroon*, February 19, 2016. Accessed October 2, 2018.

www.chicagomaroon.com/2016/02/19/speaker-driven-from-iop-by-black-lives-matter-protesters/.

Armstrong, S. “State to Quiz College Reds.” *Chicago Daily Tribune* (1923-1963). April 18, 1935. Retrieved from <https://search-proquest-com.proxy.lib.siu.edu/docview/181683209?accountid=13864>.

Bell, Laird. “Are We Afraid of Freedom?” *Bulletin of the American Association of University Professors* (1915-1955) 35, no. 2 (1949): 301-12. doi:10.2307/40220354.

Curtis, H. Rowland. Received by Dr. Harry Judson, President, University of Chicago, May 16, 1919, Chicago, Illinois.

Donnelley, Thomas E. Received by Dr. Harry Judson, President, University of Chicago, June 30, 1921, Chicago, Illinois.

Eckel, George. “Illinois Inquiry Hears Dr. Hutchins Deny Subversion at U. of Chicago.” *New York Times* (1923-Current File), April 22, 1949. <https://search-proquest-com.proxy.lib.siu.edu/docview/105640659?accountid=13864>.

Editor of *The Chicago Examiner*. “Benevolence and Tax-Dodging by Some Very

⁵⁸ Ibid.

⁵⁹ As quoted in Montz, *Silence U. Pt. 3: Can the University of Chicago Solve the Campus Free Speech Crisis?*, (We The Internet, 2018).

- Rich Men." *The Chicago Examiner*, December 25, 1914.
- Ellison, Dr. John (Jay), Dean of Students at the University of Chicago. Received by Incoming Freshmen (class of 2020), 2016, Chicago, Illinois.
- Emery, James A. Received by Thomas E. Donnelley, President of R.R. Donnelley and Sons Co., Washington D.C., June 28, 1921, Washington D.C.
- Evans, John. "College Leader Terms Probes 'Political Game'." *Chicago Daily Tribune* (1923-1963), March 19, 1953. 2. <https://search-proquest-com.proxy.lib.siu.edu/docview/178375899?accountid=13864>.
- Gray, Hanna Holborn. *Searching for Utopia: Universities and Their Histories*. Oakland: University of California Press, 2011.
- Hutchins, Robert Maynard. *The Higher Learning in America*. Yale: Yale University Press, 1936.
- Hutchins, Robert Maynard. *Some Observations on American Education*. Cambridge: Cambridge University Press. 1956.
- Janssen, Kim. "U. Of C. Student Says Trump Aide's Visit Might Make Him Sick." *Chicagotribune.com*, January 3, 2017. Accessed September 29, 2018. www.chicagotribune.com/news/ct-university-of-chicago-sean-spicer-0103-chicago-inc-20170103-story.html.
- Judson, Harry P. Received by H. Rowland Curtis, May 17, 1919, Chicago, Illinois.
- Judson, Harry P. Received by Thomas E. Donnelley, President of R.R. Donnelley and Sons Co., July 1, 1921, Chicago, Illinois.
- Judson, Harry Pratt. Received by Editor of the Chicago Examiner, December 31, 1914, Chicago, Illinois.
- Kanady, Johnson. "Red Schools Face Loss of Tax Freedom." *Chicago Daily Tribune* (1923-1963), June 15, 1949. 1. <https://search-proquest-com.proxy.lib.siu.edu/docview/177745534?accountid=13864>.
- Kanady, Johnson. "Vote to Reopen Red Probe at U. of Chicago." *Chicago Daily Tribune* (1923-1963), May 10, 1949. 4. <https://search-proquest-com.proxy.lib.siu.edu/docview/177650369?accountid=13864>.
- Kramer, Emily. "Police Intervene as I-House Event Turns Heated." *The Chicago Maroon*, February 26, 2016. Accessed September 29, 2018. www.chicagomaroon.com/article/2016/2/23/police-intervene-as-i-house-event-turns-heated/.
- Lewin, Tamar. "State's Attorney Seeks Recusal in Chicago Officer's Trial." *The New York Times*, 2016. Accessed October 29, 2018. <https://www.nytimes.com/2016/05/06/us/states-attorney-anita-alvarez-seeks-recusal-in-chicago-officers-trial.html>
- Seligman, Edwin R. A., Charles E. Bennett, James Q. Dealey, Richard T. Ely, Henry W. Farnam, Frank A. Fetter, Franklin H. Giddings, Charles A. Kofoid,

Arthur O. Lovejoy, Frederick W. Padelford, Roscoe Pound, Howard C. Warren, and Ulysses G. Weatherly. "General Report of the Committee on Academic Freedom and Academic Tenure: Presented at the Annual Meeting of the Association: December 31, 1915." *Bulletin of the American Association of University Professors* (1915-1955) 1, no. 1 (1915): 15-43. doi:10.2307/40216731. "State Subversive Probers to Subpoena Chancellor Hutchins." *Chicago Daily Tribune* (1923-1963), April 14, 1949. <https://search-proquest-com.proxy.lib.siu.edu/docview/177652206?accountid=13864>.

Stone, Gregory R, et. al. "Statement on Principles of Free Inquiry." *University of Chicago News*, July 2012. Accessed October 1, 2018. news.uchicago.edu/statement-principles-free-inquiry-prof-geoffrey-stone.

"U. C. Suspend 58 in Protest." *Chicago Tribune* (1963-Current file), June 8, 1967. 1. ProQuest, <https://search-proquest-com.proxy.lib.siu.edu/docview/179217575?accountid=13864>.

Wehrwein, Austin C. "Chicago U. Students Seize Building in Draft Protest." *New York Times* (1923-Current file), May 13, 1966. 1-2. ProQuest, <https://search-proquest-com.proxy.lib.siu.edu/docview/117038945?accountid=13864>.

Wehrwein, Austin C. "Chicago Students End 5-day Sit-in..." *New York Times* (1923-Current file), May 13, 1966. Accessed October 11, 2018. <https://search-proquest-com.proxy.lib.siu.edu/docview/117038945/679C7D0E65574B06PQ/1?accountid=13864>.

Secondary Sources

Ashmore, Harry S. *Unreasonable Truths: The Life of Robert Maynard Hutchins*. Little: Brown and Company, 1989.

Bernstein, David E. *You Can't Say That!: the Growing Threat to Civil Liberties from Antidiscrimination Laws*. Washington D.C.: Cato Institute, 2004. 59-72.

Calvert, Clay. "Professional Standards and the First Amendment in Higher Education: When Institutional Academic Freedom Collides with Student Speech Rights." *St. John's Law Review* 91, no. 3 (2017). Accessed May 21, 2019. <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=6801&context=lawreview>

Combs, LaQuasha. "The Importance of Free Speech on Public Campuses and the Restriction of Free Speech on University Campuses Due to Safety Concerns." *Journal of Law and Education*, vol. 47, 2018: <https://eds-a-ebscobhost-com.proxy.lib.siu.edu/eds/pdfviewer/pdfviewer?vid=5&sid=42622f9f-96f8-41e9-955f-1821aae1729c%40sdc-v-sessmgr02>.

Hanlon, Aaron R. "Why Colleges Have a Right to Reject Hateful Speakers like Ann Coulter: Disinviting Right-wing Provocateurs Isn't Suppression of Free Speech. It's a Value Judgement in Keeping with Higher Education's Mission." *The New Republic*, April 24, 2017. Accessed May 19, 2019. <https://newrepublic.com/article/142218/colleges-right-reject-hateful-speakers-like-ann-coulter>.

Hatt, Laura E. "LBJ Wants Your GPA: The Vietnam Exam." *The Harvard Crimson*,

- May 23, 2016. Accessed December 13, 2018, <https://www.thecrimson.com/article/2016/5/23/lbj-wants-your-gpa/>
- Horowitz, David. *Academic Bill of Rights*. 2004.
- Hudson Jr., David L. *Let The Students Speak!*. Boston: Beacon Press, 2011.
- Mayer, Milton. *Robert Maynard Hutchins: A Memoir*. Oakland: University of California Press, 1993.
- Montz, Rob, director. *Silence U Pt. 3: Can the University of Chicago Solve the Campus Free Speech Crisis? We The Internet TV*, YouTube, May 31, 2018. Accessed September 25, 2018. www.youtube.com/watch?v=XFShZMJhdOA.
- Papandrea, Mary-Rose. "The Free Speech Rights of University Students." *Minnesota Law Review*, April 17, 2017. doi:<https://eds-a-ebscohost-com.proxy.lib.siu.edu/eds/pdfviewer/pdfviewer?vid=2&sid=0caca713-22f2-45b9-81d7-357743c3fd20%40sessionmgr4006>.
- Paulsen, Friedrich. *The German Universities and University Study*. New York: C. Scribner's Sons, 1906. Accessed May 22, 2019. <https://babel.hathitrust.org/cgi/pt?id=hvd.32044012766218;view=1up;seq=9>.
- Rabban, David M. "A Functional Analysis of "Individual" and "Institutional" Academic Freedom under the First Amendment." *Law and Contemporary Problems* 53, no. 3 (1990): 282. Accessed May 20, 2019. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4057&context=lcp>.
- "Robert Maynard Hutchins." *University of Chicago* online. Accessed September 27, 2018. <https://president.uchicago.edu/directory/robert-maynard-hutchins>.
- Russomanno, Joseph. *Speaking Our Minds*. Mahwah: Lawrence Erlbaum Associates, 2002. 44-90.
- Wright, R. George. "The Heckler's Veto Today." *Case Western Reserve Law Review* 68, no. 1 (2017): 178-84. Accessed May 28, 2019. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4738&context=caselrev>.

